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**In the United States District Court
For the Southern District of Georgia
Waycross Division**

MARDONIA PERGUERO,

Petitioner,

v.

TRACY JOHNS,

Respondent.

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CIVIL ACTION NO.: 5:19-cv-121

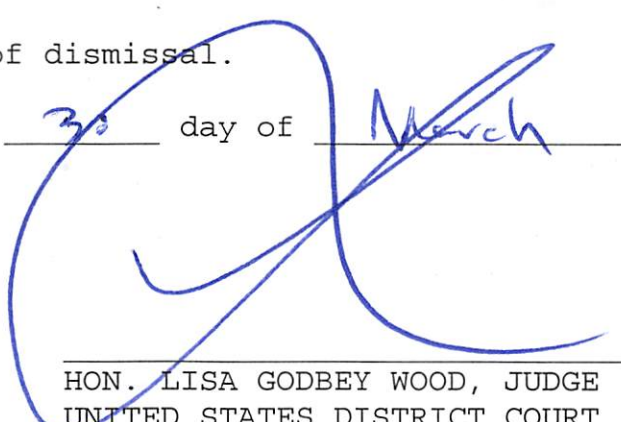
ORDER

This matter comes before the Court on Petitioner Mardonia Perguero's ("Perguero") "Response to the Motion to Dismiss," which the Court construes as his Motion to Voluntarily Dismiss his 28 U.S.C. § 2241 Petition.¹ Dkt. No. 9. Perguero states his requested relief—to be credited with certain time against his federal sentence—was provided during the pendency of this action, and he agrees with Respondent's motion for dismissal.

¹ "Courts generally 'must look beyond the labels of [filings] by pro se [parties] to interpret them under whatever statute would provide relief.'" Edwards v. Hastings, No. 2:14-CV-41, 2016 WL 686386, at *1 (S.D. Ga. Feb. 18, 2016) (quoting Lofton v. Williams, No. CV415-146, 2016 WL 126408, at *2 (S.D. Ga. Jan. 11, 2016) (first alteration in original), and citing Means v. Alabama, 209 F.3d 1241, 1242 (11th Cir. 2000) (concerning pro se inmates)); Fed. R. Civ. P. 8(e) ("Pleadings must be construed so as to do justice."); Wilkerson v. Georgia, 618 F. App'x 610, 611-12 (11th Cir. 2015).

Id. Based on Federal Rule of Civil Procedure 41(a), the Court **GRANTS** Perguero's Motion and **DISMISSES** without prejudice Perguero's § 2241 Petition. Scott v. Speights, No. CA 14-0189, 2014 WL 2993726 (S.D. Ala. July 4, 2014) (recognizing applicability of Rule 41(a) to § 2241 petitions). The Court **REJECTS** the Magistrate Judge's Report and Recommendation and **DENIES** as moot Respondent's Motion to Dismiss. The Court also **DIRECTS** the Clerk of Court to **CLOSE** this case and enter an appropriate judgment of dismissal.

SO ORDERED, this 30 day of March, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA